490071

BYK
Additives & Instruments

BYK USA Inc.
524 South Cherry Street, Wallingford, CT 06492-4453

Ms. Bonnie Hriczko
Removal Action Branch
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, MS-211
Edison, New Jersey 08837

RE: *Request for Information Pursuant to Section 104 of CERCLA*
Superior Barrel and Drum Site, Elk, Gloucester County, New Jersey

Dear Ms. Hriczko:

This letter and the enclosed documents represent BYK USA, Inc. 's ("BYK's") response to the U.S. EPA's Request for Information dated January 9, 2014 relating to the discovery of leaking drums and barrels at the Superior Barrel and Drum site in Elk, New Jersey and our counsel, Anne Peters' subsequent communications with you regarding that request (the "Request"). Among those communications are your emails of February 5, 2014 consenting to our request for an extension of the deadline to reply to the Request and asking us to explain the connection between Southern Clay Products and BYK.

With respect to the relationship between BYK USA Inc. and BYK Additives Inc., both companies are wholly owned subsidiaries of BYK-Chemie GmbH. BYK Additives Inc., formerly Southern Clay Products, was acquired by ALTANA AG, the parent company of BYK-Chemie GmbH, on October1, 2013.

We also would like to emphasize the fact that the fiber drum found at the Superior Barrel site bearing BYK's name had contained a product when it was shipped by BYK and that based on our review of more than 20 years' of business transactions, BYK has found no record of any transactions with Superior Drum and Barrel. BYK's records of business transactions prior to 1992 are not compiled in a database, like the ERP system, or in a manner that lends itself to a review. However, because the drum is stamped with a 2012 date, it is our hope that our review of our records has nonetheless been more than adequate to yield any relevant information. If you have reason to believe that BYK's records of contracts prior to 1992 are relevant to this inquiry, please let us know and we will initiate a search for same.

If you have questions, please contact our counsel, Anne Peters, at Carmody Torrance Sandak & Hennessey LLP, 195 Church Street, P.O. Box 1950 New Haven, CT 06509. Her phone number is 203.575.2647 and her email is apeters@carmodylaw.com.

Date
03/12/2014

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Your contact
Megan McCutcheon

Tel (direct)
+1 203 303-3218

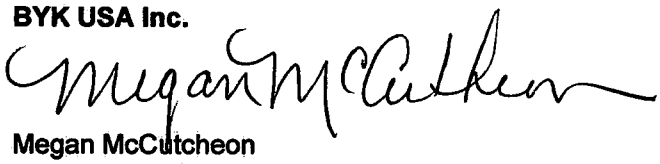
Fax (direct)
+1 203 284-9158

E-mail
Megan.McCutcheon@altana.com

BYK USA Inc.
524 South Cherry Street
Wallingford, CT 06492-4453
Tel +1 203 265-2086
Fax +1 203 284-9158
www.byk.com

Sincerely,

BYK USA Inc.



Megan McCutcheon
Environmental Health and Safety Manager

Enclosures

cc: Mr. William Tucker, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007

M. Anne Peters, Esq.

RESPONSE TO INFORMATION REQUEST QUESTIONS

General Company Information

1. a. State the correct legal name and mailing address of your company.

Response: BYK USA Inc.
P.O. Box 5670
524 South Cherry Street
Wallingford, CT 06492

b. Identify the legal status of your Company.

Response: Corporation organized under the laws of the State of New York

c. State the name(s) and address (es) of the officers.

Response: Dirk Plas, Chief Executive Officer
524 S Cherry St, Wallingford, CT 06492
Phone: 203.303.3202

Alison Avery, Chief Financial Officer
524 S Cherry St, Wallingford, CT 06492
Phone: 203.303.3209

d. If your Company has subsidiaries or affiliate, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the officer(s) of those organizations. Provide the same information for any further parent/subsidiary relationships.

Response: BYK USA, Inc is wholly owned by BYK-Chemie GmbH
Abelsraße 45, 46483 Wesel, Germany
Phone: +49 281 670-0

BYK-Chemie GmbH is a division of Altana AG
Abelsraße 43, 46483 Wesel, Germany
Phone: +49 281 670-8

The current officers of BYK USA, Inc's holding company, ALTANA AG, are:

Dr. Matthias L. Wolfgruber, Chief Executive Officer / CEO
Martin Babilas, Chief Finance Officer / CFO

The current officers of BYK USA, Inc's parent company, BYK-Chemie GmbH, are:

Dr. Christoph Schlunken, Managing Director / CEO

Frank B.J. Wright, Managing Director
Gerd Judith, Managing Director Marketing Sales
Albert von Hebel, Managing Director Finance / IT

Please note we have understood this question to request information regarding the current ownership and affiliations of BYK USA, Inc. If EPA would like information regarding the history of BYK's ownership and its past corporate affiliations, kindly advise us and we will research this information.

e. If the Company is a successor to, or has been succeeded by, another identify such other company and provide the same information request above for the predecessor or successor company.

Response: On December 27, 2012 BYK USA Inc. purchased the assets of:

Chemical Corporation of America Inc.
48 Leon Lane
Chester, NY 10918
Frances Scher, President
Michael Scher, Vice President
Cellular Telephone: 845-216-0177

Nature of business acquired: Wax emulsions and specialty additives.

f. If the Company transacted business with SBD in the name of an entity not already disclosed, give the name of such entity and state its relationship to the Company.

Response: To the best of our knowledge and belief, the Company has not transacted business with SBD in the name of any entity. Please refer to the response to Question 3.a.

2. a. Describe in detail the nature of your Company's business during the years 1974 to the present. If the nature of the business has not been constant, describe the changes that have occurred, including any name changes and when they occurred.

Response: In the 1970's the Company business operated under the name US Marketing Division of BYK-Mallinckrodt Chemische Produkte GmbH. BYK-Mallinckrodt Chemische Produkte GmbH was located in Wesel, Germany. The US Marketing Division, located in Melville NY, operated a sales office for the importation and distribution of specialty additives for the paint and plastic markets. In 1981, the Company moved its operations to Wallingford CT and began manufacturing selected additives, and continued to import and distribute additive products. The Company operated under various names at this location: BYK-Mallinckrodt USA Inc. (1981-1983), BYK-Chemie USA Inc. (1984), BYK-

Chemie USA Inc. A Division of Altana, Inc. (1984-1998), BYK-Chemie USA Inc. (1998-2007) and BYK USA Inc. (2007-present).

Note: In 1984 BYK-Mallinckrodt GmbH was dissolved and BYK-Chemie GmbH in Wesel Germany was formed as a 100% subsidiary of ALTANA AG.

The nature of the business over the years remained constant, offering specialty additives to the paint, coatings and plastic markets. The product lines and end use markets were developed over time. Please refer to our Response to Question 2.b. for an explanation of product lines.

b. Describe your Company's operations from 1974 to the present and identify all chemicals used or produced as a result of your Company's operations during that period, including any chemical substances used to clean equipment or machinery and the nature and chemical constituents of all waste streams and their disposition.

Response: Prior to 1981, the Company engaged in the importation, storage and distribution of additive products for the paint and plastic markets. Since 1981, the Company has manufactured and imported specialty chemicals used in the paint, printing ink, coatings, and plastic industries. The additives groups are: wetting and dispersing additives, surface additives, defoamers and air release agents, rheological additives, adhesion promoters, wax additives, UV absorbers, viscosity depressants, processing additives and plastic modifiers.

These additives are typically mixtures that contain polymers, copolymers, silicones, modified polysiloxanes, modified polyacrylates, carboxylic acids, polyurethanes, polyesters, polyethers, waxes, fatty acids, mineral oil, water, petroleum distillates, xylenes, naphtha solvent, alcohols, ketones, glycols, acetates and/or olefins.

Typical cleaning solvents for vessels are substances such as water, mineral oil, xylenes, naphtha solvent and 2-butoxyethanol. Wash solvent is typically reused in the manufacturing process. If a wash solvent is considered spent it will be disposed of properly.

Please refer to Attachment II for a listing of waste streams and waste disposal companies.

Company's Relationship to Superior Barrel and Drum ("SBD")

3. a. State whether the Company or any Company facility conducted any business transactions with SBD for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").

Response: BYK has not found any business transactions associated with SBD based on its review of its ERP systems. Those systems contain transaction information dating back to 1992.

BYK did not send any Containers to SBD. The EPA Drum Inventory Log indicated a fiber drum with a BYK label was found at the site. This drum contained only trash. The labels displayed on this drum showed a manufacturing date of 2012 and a trade name of a commercial product that is an emulsion of polymer and water. Please refer to photo provided by Bonnie Hriczko, Removal Action Branch, USEPA Region II, by email dated February 11, 2014 to Anne Peters, Esq., a copy of which photo is attached hereto as Attachment III. BYK had sold this product to a third party, a customer. We do not know how the fiber drum ended up at SBD.

As part of its research into whether the Company or any Company facility conducted business with SBD, BYK has identified companies that conveyed BYK's empty Containers from 1981, when the Company began manufacture in the USA, to 2013. SBD is not among the companies that received BYK's empty Containers. Refer to Attachment I for a summary of companies who received empty containers. Further, the Company has identified waste disposal companies dating back to 1981, when the Company started manufacturing products in the United States, to 2013. Refer to Attachment II for a summary of disposal companies used throughout the years. SBD is not among those disposal companies, either. These documents demonstrate the Company has and had programs in place to properly manage waste and empty Containers.

b. If so, identify each such facility and describe the relationship between the Company and SBD, including the nature of services rendered or products sold to the Company.

Response: Not applicable. Based on the Company's investigation to date, the Company has not conducted business with SBD.

c. Provide copies of any contracts or agreements between the Company and SBD;

Response: Not applicable. Please refer to the Response to Question 3.a.

4. a. For each facility identified in Question 3, state the nature of the operations conducted at the facility, including the time period in which the facility operated;

Response: Not applicable. Please refer to the Response to Question 3.a.

b. State the name, address, and current RCRA Identification Number of each facility.

Response: Not applicable. Please refer to the Response to Question 3.a.

5. For each transaction between the Company and SBD, provide the following information, which may be provided in tabular format.

Response to Questions 5.a. through 5.e: Not applicable. Please refer to the Response to Question 3.a.

a. Identify the specific dates of each transaction and the facility involved with each transaction;
b. Identify the number of Containers that were the subject of each such transaction, including the Container capacity and type (example: 55-gallon closed head steel drums, etc.);
c. Generically describe each Container that was the subject of each such transaction, including the Container capacity and type (example: 55-gallon closed head steel drums, etc.);
d. Identify the intended purpose and nature of each such transaction (example: Company products sold to SDB, Company waste disposed of by SBD, Company products purchased from SBD, Services rendered to or from the Company to or from SBD, etc.)
e. State whether each Container that was the subject of the transaction contained any substance(s) at the time of the transaction. As to each Container that contained any substance:

(1) Identify each such substance, including its specific chemical constituent(s), physical state, quantity by volume and weight, and other characteristics; and
(2) Provide all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance.

6. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices.

Response: Not applicable. Please refer to the Response to Question 3.a.

7. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction.

Response: Not applicable. Please refer to the Response to Question 3.a.

8. If you contend that any Container identified in response to Question 5, above, did not contain any substance at the time of the transaction, state whether such Container had previously been used by the Company to contain any substance, and if so:

Response: Not applicable. Please refer to the Response to Question 3.a.

a. Identify all substances previously contained within such container, including its specific chemical constituent(s), physical state, and other characteristic(s); and

b. Provide as to such substance(s), all written analyses that may have been generated for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each substance;

9. Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned.

Response: Containers are emptied in accordance with our Waste Management Plan, which contains a section on "Empty Container Management." Employees are trained on the Plan's content and procedures. Typically material is removed from containers by suction/pumping or pouring. Employees are informed of EPA's definition of empty container and are instructed in the maximum residue that may remain in the container, which is based on container size (e.g., no more than 1 inch of residue in a 55-gallon container; no more than 3 percent by weight of the total capacity for container < 110 gallons; and no more than 0.3% of the total capacity for containers greater than 110 gallons). A copy of the Empty Container section of the Waste Management Plan is attached as Attachment IV, for your reference.

10. If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.

Response: Refer to Attachment I for a list of companies that transported the Company's empty containers.

11. Identify each person consulted in responding to these questions and all questions on which he or she was consulted.

Response:

Joseph Mantiglia, ERP Administrator, IT
Questions: 3a (transactions SBD)

Bryan Farrell, Facilities Manager
Questions: 3a (conveyance empty Containers)

Matt Wrinn, Warehouse Supervisor
Questions 3a (conveyance empty Containers)

Megan McCutcheon, EHS Manager
Questions 1 a, b and e, 2, 3, 9, 10, 11, 12

Emily Petruccelli, EHS Generalist
Question 3a (Waste disposal companies)

Kevin Lassila, Director of Technologies
Question 1 c, d and f

12. Identify any other person or entity (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title(s) and a description of the responsibilities.

Response: To the best of our knowledge, we have identified the persons and entities who have knowledge of the Company's business from 1974 to the present, its relationship – or lack thereof – with SBD and its practices for management of the Company's Containers.

13. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transporter Containers to the Site.

Response: BYK has not identified any other information or documents relevant to identify other sources who disposed of or transported Containers to the Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of Connecticut :

County of New Haven :

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

Dirk Plas
NAME (print or type)

Chief Executive Officer
TITLE (print or type)

SIGNATURE

Sworn to me before this

day of March 11, 2014

CLAIRE WONG-OSTAPOWICZ
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2015

Notary Public

ATTACHMENT I

BYK USA Inc.
Summary Empty Drum Conveyance

ATTACHMENT I
BYK USA Inc.
Summary Empty Drum Conveyance 1981-2013

Kearny Steel Container Corporation
401 South Street
Newark, NJ 07105
Container Types: Plastic and steel pails and drums, composite drums, fiber drums
Disposition: Destruction

2013 – Number of pick-ups: 28 at approx. 335/pickup
2012 – Number of pick-ups: 30 at approx. 335/pickup
2011 – Number of pick-ups: 33 at approx. 335/pickup
2010 – Number of pick-ups: 31 at approx. 335/pickup
2009 – Number of pick-ups: 24 at approx. 335/pickup
2008 – Number of pick-ups: 33 at approx. 335/pickup
2007 – Number of pick-ups: 31 at approx. 335/pickup
2006 – Number of pick-ups: 33 at approx. 335/pickup
2005 – Number of pick-ups: 32 at approx. 335/pickup
2004 – Number of pick-ups: 36 at approx. 335/pickup
2003 – Number of pick-ups: 25 at approx. 335/pickup
2002 – Number of pick-ups: 21 at approx. 335/pickup

Northeast Container
20A Harmich Rd
South Plainfield, NJ 07080
Container Types: plastic IBC
Disposition: Refurbished or recycled

2013 – Number of pick-up: 14 at approx.. 53 /pick-up
2012 – Number of pick-up: 12 at approx.. 56 /pick-up
Prior to 2012

Russell Stanley
455 George Washington Highway
Smithfield, RI 02917-1996
800-333-3109
Container Types: Plastic and steel pails and drums
Disposition: Incineration, recycle, reground (plastic) or shredded.

2002 – Number of pickups: 6 at approx. 300/pick-up *
2000 - Number of pick-ups: 23 at approx. 250/pick-up
1999 - Number of pick-ups: 20 at approx. 250/pick-up
1998 - Number of pick-ups: 20 at approx. 250/pick-up *
1997 - Number of pick-ups: 20 at approx. 250/pick-up *
1996 - Number of pick-ups: 14 at approx. 300/pick-up *
1995 - Number of pick-ups: 17 at approx. 300/pick-up *
1994 - Number of pick-ups: 18 at approx. 300-400/pick-up *
1993 - Number of pick-ups: 14 at approx. 300/pick-up *
1992 - Number of pick-ups: 1 at approx. 300/pick-up *
1991 - Number of pick-ups: 9at approx. 300/pick-up *

ATTACHMENT I
BYK USA Inc.
Summary Empty Drum Conveyance 1981-2013
(Continued)

1990 - Number of pick-ups: 6 at approx. 300/pick-up *
* Under name of New England Container, which is now Russell Stanley.

Schutz Container Systems, Inc.
1996 – 2008+
Containers: 250 gal polyethylene w/ metal cage
Disposition: Recycled

Cardinal Compliance Corp (previously referred to as WADCO)
P.O. Box 3471
Camden, NJ 08101

1992 - Number of pick-ups: 1
1991 - Number of pick-ups: 3
1990 - Number of pick-ups: 6
1989 - Number of pick-ups: 5

1981 – 1988
Hartford Cooperage
Division of New England Container
70 Tolland Street
East Hartford, CT 06108

New England Container Company (Now Russell Stanley)
Rt. 116 George Washington Highway
Smithfield, RI 02917
Tele: 401-231-2100
Services: Pick-up of used Containers for recondition, cleaning and/or disposal.

Westfall-Ace Drum Co. (WADCO)
P.O. Box 3466
Camden, NJ 08101

WADCO Baltimore, Inc.
4201 E. Fairmount Avenue
Baltimore, MD
Services: Pick-up of used Containers for destruction (incineration) and/or disposal.

Goodman Bros. Steel Drum Co. Inc.
18 Division Place
Brooklyn, NY 11222
Service: One payment for pick-up of empty Containers for disposal.

National Packaging Services Inc.
34-40 Laurel Hill Blvd
Maspeth, NY 11378
Service: One payment for pick-up of Containers for cleaning/disposal.

ATTACHMENT I
BYK USA Inc.
Summary Empty Drum Conveyance 1981-2013
(Continued)

BYK USA at Chester
48 Leon Lane
Chester, NY 10918

2013 - Present

Patrick J. Kelly Drums Inc.
6226 Pidcock Creek Rd.
New Hope, PA 18938

Recycle Inc. East
20A Harmich Road
PO Box 340
South Plainfield, New Jersey 07080

ATTACHMENT II

BYK USA Inc.
Summary of Waste Disposal Companies

ATTACHMENT II

BYK USA Inc.
Summary of Waste Disposal Companies

524 S. Cherry Street Wallingford, CT

Dates	Disposal Facility	Type of Waste
2013 2012 2011 2010 2009	Norlite Corporation 628 South Saratoga Street Cohoes, NY 12047	Bulk Organic Waste By-product water
2008 2007 2006 2005 2004 2003 2002 2001 1996 1995 1994	Clean Harbors Of Baltimore Inc. 1910 Russell Street Baltimore, MD 21230 MDD980555189	Bulk Organic Waste
2010 2008 2007 2006 2005 2004 2003 2002 2001 1996 1995 1994	Clean Harbors Of Baltimore Inc. 1910 Russell Street Baltimore, MD 21230 MDD980555189	Bulk Inorganic (water) Waste
2000 1999 1998 1997 1996	Marisol Inc. 125 Factory Lane Middlesex, NJ 08846 NJD002454544	Bulk Organic Waste
2000 1999 1998 1997 1996	E.I. Dupont De Nemours & Co. Chambers Works – Route 130 Deepwater, NJ 08023 NJD002385730	Bulk Inorganic (water) Waste
1996	United Industrial Services 136 Gracey Avenue Meriden, CT 06450 CTD021816889	Bulk Organic Waste
1996	United Industrial Services 136 Gracey Avenue Meriden, CT 06450 CTD021816889	Bulk Inorganic (water) Waste

Attachment II
BYK USA Inc.
Summary of Waste Disposal Companies
Continued

Dates	Disposal Facility	Type of Waste
1994 1993 1992 1991 1990 1989 1988 1987 1986 1985 1984,83,82	Rollins Environmental Services (NJ) Inc. RT 322 & 295 Bridgeport, NJ 08014 NJD053288239	Bulk Organic and Inorganic (water) Waste
2004	Bridgeport United Recycling Inc 50 Cross Street Bridgeport, CT 06610 CTD002593887	Tank Cleaning Wastewater
2013 2012 2011 2010 2009 2008 2007 2006	Rineco 1007 Vulcan Road Benton, AR 72015 ARD981057870	Non-Bulk Waste
2013 2012 2011 2010 2009 2006	Clean Harbors El Dorado 309 American Circle El Dorado, AR 71730 ARD069748192	Non-Bulk Waste
2006	Spring Grove Resource Recovery 4879 Spring Grove Avenue Cincinnati, OH 45232 OHD000816629	Non-Bulk Waste
2008	Von Roll America 150 Saint George Street East Liverpool, OH 43920 OHD980613541	Non-Bulk Waste
2006 2005 2004 2003 2002 2001 2000 1999 1998 1997 1995 1994 1993	Terris - El Dorado *Formerly ENSCO Inc.* 309 American Circle El Dorado, AR 71730 ARD069748192	Non-Bulk Waste

Attachment II
BYK USA Inc.
Summary of Waste Disposal Companies
Continued

Dates	Disposal Facility	Type of Waste
1996	Ashland Chemical Company 3 Broad Street Binghanton, NY 13902 NYD049253719	Non-Bulk Waste
1993 1992 1991 1990 1989	Advance Environmental Technology Corp. (AETC) 1 Eden Lane Flanders, NJ 07836 NJD980536593	Non-Bulk Waste
2013 2012 2010 2009	Heritage WTI, Inc. 1250 Saint George Street East Liverpool, OH 43920 OHD980613541	Chlorofulfonic acid (lab)
2001	Heritage Environmental Services LLC 54 Avenue D Williston, VT 05495 VTD982766537	Non-Bulk Product
2013 2012 2011 2010 2009	Safety-Kleen, Inc. 167 Mill Street Cranston, RI 02905	Maintenance Cleaning Solution (Not RCRA Hazardous)
2008 2007 2006 2005 2004 2003 2002 2001 1999 1998	Safety-Kleen Inc. 224 East main Street W. Brookfield, MA 01585 MAD096287354	Maintenance Cleaning Solution (Not RCRA Hazardous)
1998 1997	Safety-Kleen Corp. 11 Tipping Drive Branford, CT 06405 CTD980667927	Maintenance Cleaning Solution (Not RCRA Hazardous)
2013 2012 2011 2010 2009 2008 2007 2006 2005 2004 2003 2002 2001 2000	Northeast Lamp Recycling, Inc. 250 Main Street East Windsor, CT 06088 CTD5000001495	Light Bulbs

Attachment II
BYK USA Inc.
Summary of Waste Disposal Companies
Continued

Dates	Disposal Facility	Type of Waste
1999 1998 1997 1996	Northeast Lamp Recycling, Inc. (continued)	Light bulbs
2007 2006	Spring Grove Resource Recovery 4879 Spring Grove Avenue Cincinnati, OH 45232 OHD000816629	Electronics
2010 2007 2006	Clean Harbors of Connecticut Inc 51 Broderick Road Bristol, CT 06010 CTD000604488	CT Regulated Waste Electronics
2006	Spring Grove Resource Recovery 4879 Spring Grove Avenue Cincinnati, OH 45232 OHD000816629	Batteries
2013 2012 2011 2010 2009 2008	WeRecycle, Inc 500 S Broad St Meriden, CT 06450 CTR000503359	Electronics Batteries
1997	Ashland Chemical Company 3 Broad Street Binghamton, NY 13902 NYD49253719	Spent Soil
1997 1996	Heritage Environmental Services Inc. 7901 West Morris Street Indianapolis, IN 46231-1367 IND0932219012	Solidified Paint Additive (Not RCRA Hazardous) Not RCRA Hazardous
1993	United Industrial Services / United Oil Recovery 136 Gracey Avenue Meriden, CT 06450 CTD021816889	Waste oil
1994	United Industrial Services, Inc. 130 Gracey Avenue Meriden, CT 06450 CTD021816889	Water (Not RCRA Hazardous)
1989	Environmental Waste Resources 130 Freight St Waterbury, CT CTD072138969	Waste Oil/Water Tank Cleaning
1987	Hitchcock Gas Engine 50 Cross Street Bridgeport, CT 06610 CTD002593887	Waste Oil
2013	Radiac Research Corp. 261 Kent Avenue Brooklyn, NY 11249	Tritium Exit Signs

Attachment II
BYK USA Inc.
Summary of Waste Disposal Companies
Continued

48 Leon Lane Chester, NY
Site purchased 12/27/12.

Dates	Disposal Facility	Type of Waste
2013	Clean Harbors Reidsville LLC 208 Watlington Industrial Drive Reidsville, NC 27320 NCD00648451	Non-Bulk Waste/ Lab Pack Waste
2013	Clean Harbors LaPorte, LLC 500 Independence Parkway LaPorte, TX 77571 TXD982290140	Non-Bulk Waste/ Lab Pack Waste
2013	Clean Harbors El Dorado 309 American Circle El Dorado, AR 71730 ARD069748192	Non-Bulk Waste/ Lab Pack Waste
2013	Hugo Neo Recycling (formerly WeRecycle) 249 E. Sandford Boulevard Mount Vernon, NY 10550 Registration # 00006	Universal Waste and Electronics Recycling

Waste Streams

Bulk Organic Waste: Constituents are compatible chemical substances from production. Please refer to our Response to Question 2.b. for a listing of the types of chemicals in this waste stream. This waste stream may or may not contain by-product water from condensation reactions.

Bulk Inorganic Waste: By-product water from condensation reactions.

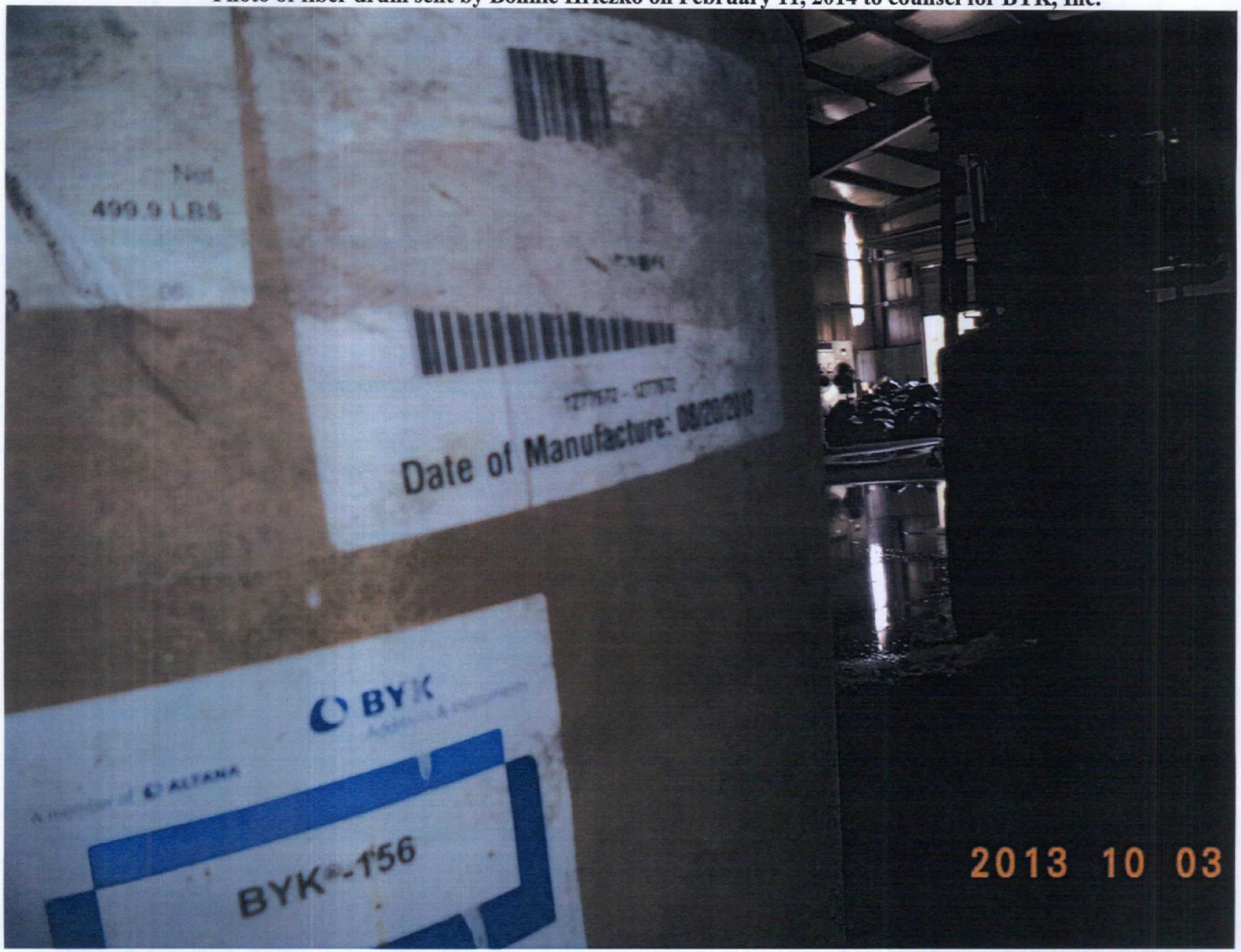
Non Bulk Waste: Various types of wastes from production, expired/out of date product, lab packs from laboratories or sample department. Typical production wastes are filters, miscellaneous solid waste (absorbent mats, rags, gloves, filtering aid). Lab packs from the sample department are 2oz & 16oz samples of expired or obsolete products. Lab packs from laboratories are miscellaneous chemicals from the laboratories.

ATTACHMENT III

BYK USA Inc.
Photo of Fiber Drum
(with 2012 Manufacturing Date)

Attachment III

Photo of fiber drum sent by Bonnie Hriczko on February 11, 2014 to counsel for BYK, Inc.



{N0991546}

ATTACHMENT IV

BYK USA Inc.
Empty Container Management
(Excerpt from Waste Management Plan)

ATTACHMENT IV

APPENDIX C

Empty Container Management

EMPTY CONTAINER MANAGEMENT

Prepared by: Environmental, Health and Safety Department

Table of Contents

Effective Date: October 11, 2013 Rev. 6

EMPTY CONTAINER MANAGEMENT

EMPTY CONTAINER MANAGEMENT

The following have been developed to ensure compliance with Federal regulations 40 CFR 261.7 and 49 CFR 173.29. The empty container procedures have been developed to include totes, drums/pails, and laboratory containers.

All totes, drums, pails and laboratory glassware must first meet EPA's definition of "empty" prior to transportation off-site. A container is empty according to 40 CFR 261.7 if:

- all wastes have been removed that can be removed by pumping or pouring; and
- no more than 2.5 cm (1 inch) of residue remains on the bottom of the container or inner liner for 55-gallon drum; or
- no more than 3 percent by weight of the total capacity of the container remains in the container or inner liner, if the container is ≤110 gallons in size; or
- no more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 110 gallons in size.

NOTE: If containers do not meet the definition of "empty" as described above, then the containers must be handled and shipped off-site as hazardous waste.

I. TOTES:

Totes containing raw materials are received from the vendor and the product is removed. The totes that contain a residue of a hazardous material should be transported off-site (e.g. returned to the vendor) in accordance with Option (A). Toes that contain a residue of a non-hazardous material should be transported off-site in accordance with Option (B).

Disposable totes containing raw materials are received from Germany. The raw material is removed and the empty tote is returned to Northeast Container Services for disposal (not for reconditioning, re-manufacture or re-use). Totes that are not cleaned and purged of residue (and previously contained a hazardous material) should be disposed of at Northeast Container Services in accordance with Option (A). Totes that contain a residue of a non-hazardous material should be transported off-site in accordance with Option (B).

Totes that are deemed empty and are cleaned and purged of hazardous residue can be transported off-site in accordance with Option (C). Totes that contain residue of non-hazardous material should not be cleaned and purged to remove the residue. Rather, they should be disposed of in accordance with Option (B).

OPTION (A): Empty Totes Containing Residue of Hazardous Material

1. If the totes meet EPA's definition of empty and are not cleaned and purged of residue,
then the empty tote should be offered for transportation and transported in the same manner as when it previously contained a greater quantity of that hazardous material.
Therefore, comply with the following DOT requirements:

Marking: Required

1. Place a placard that contains the appropriate UN or NA identification numbers on two
opposing sides of the tote (unless already marked).

(e.g. UN2491)

Labeling: Not required if marked (e.g. placarded).

Placarding: Required

1. Ensure that the appropriate placards are offered to the transporter, if aggregate gross
weight of the shipment is > 1001 lbs.

Packaging: Required

1. Ensure that the packaging is stamped with the "UN specification" designation.

2. Ensure all caps, valves, and bung closing are in place and closed prior to shipment off-
site.

Shipping papers: Required

1. The description on the shipping paper should include the words:

"RESIDUE: Last Contained ***" (insert the basic description of the hazardous material, if applicable). The basic description will include: the proper shipping name, including "contains" information, where applicable; hazard class; UN or NA ID Number; and the packing group.

2. Total quantity (e.g. lbs)
3. Emergency response telephone number [e.g. CHEMTRC (800) 424-9300]
4. ERG Page Number (e.g. #128)
5. Address label
6. Certification and signature

I. TOTES continued:

OPTION (B): Empty Totes Containing Residue of Non-Hazardous Material

1. Ensure that the totes meet EPA's definition of empty.

2. Ensure all caps, valves, and bung closings are in place and closed prior to transportation off-site.

OPTION (C): Totes Sufficiently Cleaned and Purged of Residue

1. Clean and purge the tote of reside to remove any potential hazard – then label tote as "cleaned of residue" and add date that this was performed.

2. Collect the rinsate for disposal as hazardous waste. Add the rinsate into the appropriate satellite accumulation container (e.g. ensure that the rinsate is compatible with the waste stream and that the waste stream is pre-approved to include that particular rinsate). If needed, contact the Environmental, Health and Safety Department to determine the appropriate disposal for the rinsate.

3. Remove, or obliterate (by black spray paint), or securely cover (using blank labels) all markings, labels, and placards.

4. Ensure all caps, valves, and bung closings are in place and closed prior to transportation off-site.

5. If the tote meets the above provisions, then it is not subject to any other provisions and can be disposed of as a non-hazardous material and returned to the vendor. There are no requirements for marking, labeling, placarding, packaging specifications, and shipping papers.

II. Drums (non-bulk, <119 gallons) & Pails:

Ensure that the drums and pails meet EPA's definition of "empty" (described under Section I) prior to transportation off-site. If the containers do not meet the definition of "empty," then they must be disposed of as hazardous waste.

Drums that contained pyridine must be cleaned and purged of residue (as per request of drum reconditioner) in accordance with the procedure specified under Option (C).

Drums and pails that previously contained hazardous waste other than pyridine are not cleaned and purged of residue; therefore, they should be disposed of using Option (A)(1). Option (A)(2) should be used for drums and pails that previously contained hazardous materials other than pyridine.

Drums and pails that meets EPA's definition of empty and contain a residue of a non-hazardous material can be disposed of using Option (B).

OPTION (A)(1): Drums and Pails Containing Residue of Hazardous Waste

If the drum or pails is not cleaned and purged of residue, then the container should be offered for transportations and transported in the same manner as when it previously contained a greater quantity of that hazardous material. Therefore, comply with the following DOT requirements:

Marking: **Required**

1. Cover the waste marker with the "Previous Contents" marker having the proper shipping name including "contains," where applicable, and the identification number.

   [e.g. Flammable liquid, n.o.s. (contains hydrocarbon solvent), UN 1993]

Labeling: **Required**

1. Add the appropriate DOT diamond shaped hazard label and subsidiary label.

   [e.g. Flammable Liquid (primary 3)]

NOTE: **A non-bulk packaging containing only the residue of a hazardous waste does not have to be included in determining the applicability of the placarding requirements.**

OPTION (A)(1): Drums and Pails Containing Residue of Hazardous Waste (cont'd)

Packaging: Required

1. Ensure that the packaging is stamped with the "UN specification" designation.

2. Ensure all caps, valves, and bung closings are in place and closed prior to the transportation off-site.

3. Store the empty drums in empty drum trailer located by Building No. 5 and pails in Building No. 5 prior to disposal.

Shipping Papers: Not Required (if disposed of by a drum reconditioner)

OPTION (A)(2): Drums and Pails Containing Residue of Hazardous Material

If the drum or pail or laboratory container is not cleaned and purged of residue, then the container should be offered for transportation and transported in the same manner as when it previously contained a greater quantity of that hazardous material. Therefore, comply with the following DOT requirements:

Marking and Labeling: Required

Ensure that the original DOT labels and markings are still on the drum, or see the Environmental, Health and Safety Department for appropriate replacements.

Note: A non-bulk packaging containing only the residue of a hazardous waste does not have to be included in determining the applicability of the placarding requirements.

Packaging: Required

1. Ensure that the packaging is stamped with the "UN specification" designation. (e.g. UN 1A1 or UN 1A2)

2. Ensure all caps, valves, and bung closings are in place and closed prior to transportation off-site.

3. Store the empty drums in empty drum trailer located by Building No. 5 and pails in Building No. 5 prior to disposal.

Shipping Papers: Not Required (if disposed of by a drum reconditioner)

OPTION (B): Empty Drums & Pails Containing Residue of Non-Hazardous Material

1. Ensure that the drum(s) and/or pail(s) meets EPA's definition of empty.

2. Ensure all caps, valves and bung closings are in place and closed prior to transportation off-site.

OPTION (C): Drums and Pails Sufficiently Cleaned and Purged of Residue

1. Clean and purge the drum, pail or glassware of residue to remove any potential hazard. Then label the drum as "Triple Rinsed," add the initials of the person who performed this task and the date that this was performed.

2. Collect the rinsate for disposal as a hazardous waste. Add the rinsate into the appropriate satellite accumulation container (i.e. ensure that the rinsate is compatible with the waste and that the waste stream is pre-approved to include that particular rinsate). If needed, contact Environmental, Health and Safety Department to determine the appropriate disposal for the rinsate.

3. Remove, obliterate (by black spray paint) or securely cover (using blank labels) all markings, labels and placards.

4. Ensure all caps, valves and bung closing are in place and closed prior to transportation off-site.

5. If the empty drums, pails or glassware meet the above provisions, then it is not subject to any other requirements and can be disposed of as a non-hazardous material, and returned to the vendor or discarded into the trash. There are no requirements for marking, labeling, placarding, packaging specifications and shipping papers.

III. Laboratory Glassware:

Small quantities of raw materials (e.g. ≤1 gallon) are received into the Quality Control and Technical Service laboratories and the Sample Department. The glassware must meet EPA's definition of "empty" (described under Section I) prior to transportation off-site. If the glassware does not meet the definition of "empty," then it must be disposed of as hazardous waste. The laboratory glassware should be disposed of in accordance with the following procedure:

1. Remove all of the product from the glassware that can be removed by pumping or pouring.

III. Laboratory Glassware (cont'd)

2. Triple rinse the glassware and collect the rinsate for disposal as a hazardous waste. Add the rinsate into the appropriate satellite accumulation container (i.e. ensure that the rinsate is compatible with the waste and that the waste stream is pre-approved to include that particular rinsate). If needed, contact Environmental, Health and Safety Department to determine the appropriate disposal for the rinsate.

3. Original markings and labels may be left on the container.

4. Ensure that all caps are in place and closed prior to transportation off-site.

5. Dispose of empty, cleaned glassware in the municipal solid waste dumbster.

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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BYK USA, Inc. (Altana)
524 S. Cherry St.
Wallingford, CT 06492
Attn: Rob Brophy, Facilities Manager
21JAN 12:32PM

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received By (Printed Name) [illegible] C. Date of Delivery JAN 16 2014

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JAN 18 2014

WALLINGFORD CT 06492 JAN 16 2014 USPS

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☐ Registered ☐ Return Receipt for Merchandise
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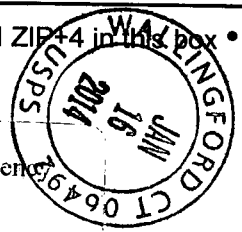

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